

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-01943-TSC**

COMMUNICATIONS WORKERS OF AMERICA v. U.S.
DEPARTMENT OF LABOR
Assigned to: Judge Tanya S. Chutkan
Cause: 05:552 Freedom of Information Act

Date Filed: 06/28/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**COMMUNICATIONS WORKERS OF
AMERICA**

represented by **Adam R. Pulver**
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TERMINATED: 04/02/2020
PRO HAC VICE

V.

Defendant

U.S. DEPARTMENT OF LABOR

represented by **Derek S. Hammond**
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Date Filed	#	Docket Text
06/28/2019	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF LABOR (Filing fee \$ 400 receipt number 0090-6221108) filed by COMMUNICATIONS WORKERS OF AMERICA. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons (U.S. Attorney), # <u>3</u> Summons (Attorney General), # <u>4</u> Summons (Agency))(Llewellyn, Patrick) (Attachment 1 replaced on 7/2/2019) (zeg). (Entered: 06/28/2019)
06/28/2019	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by COMMUNICATIONS WORKERS OF AMERICA (Llewellyn, Patrick) (Entered: 06/28/2019)
06/28/2019	<u>3</u>	NOTICE of Appearance by Adam R. Pulver on behalf of COMMUNICATIONS WORKERS OF AMERICA (Pulver, Adam) (Main Document 3 replaced on 7/17/2019) (znmw). (Entered: 06/28/2019)
07/02/2019		Case Assigned to Judge Tanya S. Chutkan. (zeg) (Entered: 07/02/2019)

07/02/2019	<u>4</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF LABOR, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zeg) (Entered: 07/02/2019)
07/02/2019	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/2/2019. Answer due for ALL FEDERAL DEFENDANTS by 8/1/2019. (Llewellyn, Patrick) (Entered: 07/02/2019)
07/11/2019	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General July 8, 2019. (Llewellyn, Patrick) (Entered: 07/11/2019)
08/01/2019	<u>7</u>	NOTICE of Appearance by Derek S. Hammond on behalf of U.S. DEPARTMENT OF LABOR (Hammond, Derek) (Entered: 08/01/2019)
08/01/2019	<u>8</u>	ANSWER to Complaint by U.S. DEPARTMENT OF LABOR.(Hammond, Derek) (Entered: 08/01/2019)
08/26/2019		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues no later than 10/1/19. The joint status report shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 8/26/19. (DJS) (Entered: 08/26/2019)
08/28/2019		Set/Reset Deadlines: Joint Status Report due by 10/1/2019. (tb) (Entered: 08/28/2019)
10/01/2019	<u>9</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF LABOR. (Attachments: # <u>1</u> Text of Proposed Order)(Hammond, Derek) (Entered: 10/01/2019)
10/17/2019		MINUTE ORDER: Having considered the parties' joint status report <u>9</u> , it is hereby ordered that the parties shall confer regarding Defendant U.S. Department of Labor's (DOL) search parameters for responsive records by October 9, 2019. DOL will complete its subsequent searches for responsive records and report the number of potentially responsive pages yielded by the searches to Plaintiff by November 1, 2019. DOL will make rolling monthly productions of responsive records identified by its subsequent searches, with a first production to occur by October 28, 2019 and for which DOL will process at least 500 pages of potentially responsive material. The parties will further confer about the appropriate processing rate in this case following DOL's provision of the estimated number of pages of responsive records to Plaintiff. DOL may include duplicate pages in its processing, but the court will reconsider its decision on this issue should the 500 page processing obligation result in review and production of an unreasonably small number of unique pages. The parties shall file a joint status report by November 8, 2019. In that joint status report, the parties will provide the estimated number of pages of responsive records identified by DOL's subsequent searches and a proposed production schedule. A proposed order shall accompany the joint status report. Signed by Judge Tanya S. Chutkan on 10/17/19. (DJS) (Entered: 10/17/2019)
10/18/2019		Set/Reset Deadlines: Joint Status Report due by 11/8/2019. (tb) (Entered: 10/18/2019)
11/08/2019	<u>10</u>	Joint STATUS REPORT by COMMUNICATIONS WORKERS OF AMERICA. (Attachments: # <u>1</u> Text of Proposed Order)(Llewellyn, Patrick) (Entered: 11/08/2019)
11/13/2019		MINUTE ORDER: Having considered the parties' joint status report <u>10</u> , it is hereby ordered that defendant DOL shall process at least 500 pages of potentially responsive material every month and shall continue making monthly rolling productions by the 21st of every month, unless that day falls on a weekend or legal holiday, in which case DOL's monthly production will occur by the following business day. The parties shall file a joint status report by December 6, 2019, and every 60 days thereafter. The report shall contain a proposed order to the extent the parties propose a briefing schedule.

		Signed by Judge Tanya S. Chutkan on 11/13/19. (DJS) (Entered: 11/13/2019)
11/14/2019		Set/Reset Deadlines: Joint Status Report due by 12/6/2019. (tb) (Entered: 11/14/2019)
12/06/2019	<u>11</u>	Joint STATUS REPORT by COMMUNICATIONS WORKERS OF AMERICA. (Llewellyn, Patrick) (Entered: 12/06/2019)
02/04/2020	<u>12</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF LABOR. (Hammond, Derek) (Entered: 02/04/2020)
04/02/2020	<u>13</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to COMMUNICATIONS WORKERS OF AMERICA. Attorney Patrick D. Llewellyn terminated. (Llewellyn, Patrick) (Entered: 04/02/2020)
04/06/2020	<u>14</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF LABOR. (Hammond, Derek) (Entered: 04/06/2020)
04/20/2020	<u>15</u>	Joint STATUS REPORT by COMMUNICATIONS WORKERS OF AMERICA. (Pulver, Adam) (Entered: 04/20/2020)
05/18/2020	<u>16</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF LABOR. (Attachments: # <u>1</u> Text of Proposed Order of Plaintiff, # <u>2</u> Text of Proposed Order of Defendant)(Hammond, Derek) (Entered: 05/18/2020)
05/29/2020		MINUTE ORDER: Having considered the parties' joint status report <u>16</u> , it is hereby ordered that the parties shall adhere to the following deadlines: By June 15, 2020, the Defendant shall serve Plaintiff with a draft declaration describing the nature of the Agency's searches and a Draft Vaughn Index concerning any remaining issues (including redactions) in dispute as identified by Plaintiff's April 16, 2020 "detail list" of identified issues. If any disputes remain, by July 6, 2020, Defendant shall file its motion for summary judgment. Plaintiff's response and any combined cross-motion shall be filed by August 6, 2020. Defendant's reply and any combined response shall be filed by September 4, 2020. Plaintiffs Reply, if any, shall be filed by September 16, 2020. Absent good cause or Plaintiffs consent, the court will view with disfavor any motion by the Defendant to continue these deadlines, as the Defendant has provided no explanation for why it has yet to respond to Plaintiff's April 16 list. Signed by Judge Tanya S. Chutkan on 5/29/2020. (DJS) (Entered: 05/29/2020)
06/01/2020		Set/Reset Deadlines: Cross Motion due by 8/6/2020. Response to Cross Motion due by 9/4/2020. Reply to Cross Motion due by 9/16/2020. Summary Judgment motion due by 7/6/2020. Response to Motion for Summary Judgment due by 8/6/2020. Reply to Motion for Summary Judgment due by 9/4/2020. (tb) (Entered: 06/01/2020)
07/06/2020	<u>17</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF LABOR (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Memorandum in Support, # <u>3</u> Declaration, # <u>4</u> Text of Proposed Order)(Hammond, Derek) (Entered: 07/06/2020)